UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,106	04/08/2004	Marko Viitamaki	879A.0023.U1(US)	8992

29683 7590 12/03/2008
HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

EXAMINER	
NGUYEN, DAVID Q	
ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/821,106	VIITAMAKI ET AL.	
	Examiner	Art Unit	
	DAVID Q. NGUYEN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *45-49 and 51-59* is/are pending in the application.

4a) Of the above claim(s) *51-54,58 and 59* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *45-49 and 55-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 45-49 and 55-57 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 55-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu (US 2004/0176065).

Regarding claim 55, Liu discloses an apparatus (see fig. 1 and par. 0017; the accessory 102) comprising: a receiver and transmitter configured to communicate in a short range radio network (see fig. 1 and par. 0017 and par. 0019; transceiver 112 and the accessory 102 is configured to provide local communication such as bluetooth interconnectivity to a device 104); an interface to the short range radio network (see fig. 1 and par. 0018; user interface 120), the interface comprising a graphical user interface comprising a bit map which is configured to be sent to a second apparatus (see par. 0015 and pars. 0018-0023; directing the slave device to enter the lower power operational mode); a control unit configured to control an activity state of the

short range radio network in accordance with an activity state of a user interface of the second apparatus (see par. 0022; sleep mode and wake up).

Regarding claim 56, Liu also mentions wherein the receiver and transmitter are Bluetooth receiver and transmitter which are configured to communicate via the short range radio network (see fig. 1 and par. 0017; Bluetooth and IEEE 802.11 are short range network).

Regarding claim 57, Liu also mentions wherein the apparatus comprises also a receiver and transmitter of a second radio network (see par. 0017 and fig. 1; IEEE 802.11 network).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 2004/0176065) in view of Shteyn et al. (US 2003/0040344 A1).

Regarding claim 46, Liu does not mention wherein said activity state of the user interface utilization is defined by the state of at least one of the following in the second device: the lock state of a lockable keypad, the lock state of a lockable touch sensitive display, the state of a screensaver, the lock state of a lockable screensaver and the state of a lid or an opening mechanism of the device. However, Shteyn et al. discloses an activity state of the user interface utilization is defined by the state of at least one of the following in the second device: the lock state of a lockable keypad, the lock state of a lockable touch sensitive display, the state of a screensaver, the lock state of a lockable screensaver and the state of a lid or an opening

mechanism of the device (see par. 0016; headset 104 has additional UI or control features for control the cellphone. For example, the headset has circuitry to provide colored LEDs). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Shteyn et al. to the device of Liu in order to reduce unnecessary current consumption and prevent the outflow of a user profile through the screen.

4. Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 2004/0176065) in view of Cadieux et al. (US 2006/0030307 A1).

Regarding claims 41-43,47-49 and 52-54, Liu does not mention wherein said activity state of the user interface utilization is defined by user input on the second device or lack of it for a chosen period of time; wherein said user input is received by one of the following acts on the second device: a touch on a key, keypad or touch sensitive display, opening or closing of a lid or an opening mechanism of the second device, or a specific sound input on the device's microphone or like; wherein said activity state of the user interface utilization is defined by selection or starting of an application using Bluetooth in a menu or like in the second device. However, Cadieux et al disclose wherein said activity state of the user interface utilization is defined by user input on the second device or lack of it for a chosen period of time (see par. 0051-0052); wherein said user input is received by one of the following acts on the second device: a touch on a key, keypad or touch sensitive display, opening or closing of a lid or an opening mechanism of the second device, or a specific sound input on the device's microphone or like (see par. 0046); wherein said activity state of the user interface utilization is defined by selection or starting of an application using Bluetooth in a menu or like in the second device (see par. 0051-0052 and fig. 1). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the above teaching of Cadieux et al to the device of Liu in order to reduce unnecessary current consumption and prevent the outflow of a user profile through the screen.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Q. NGUYEN whose telephone number is (571)272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Q Nguyen/
Primary Examiner, Art Unit 2617